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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,834	11/19/2003	Kazuhito Gassho	Q78471	3634

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/715,834

Applicant(s)

GASSHO ET AL.

Examiner

Dai A. Phuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. Claims 9-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9-12 lack the proper preamble necessary for a statutory computer program product claim. See MPEP 2100 for guidance on computer related inventions.

The Examiner suggests a preamble as follows:

1. "computer readable medium" encoded with _____
[a] "a computer program"
[b] "software"
[c] "computer executable instructions"
[d] "instructions capable of being executed by a computer"
2. "a computer readable medium" _____ "computer program"
[a] storing a
[b] embodied with a
[c] encoded with a
[d] having a stored
[e] having an encoded

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Cariffe (Pub. No: 20050212670).

Regarding claim 1, Cariffe discloses a wireless communication print server for relaying a print request received through wireless communications to a printer ([0019]), said wireless communication print server comprising:

a retention unit that retains a parameter for establishing wireless communications ([0023] to [0041]. It is inherent that the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality);

a determination unit that determines whether or not the setting of said parameter is in the initial state ([0023] to [0041]. It is inherent that the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality);

a rejection unit that ignores said print request if the setting of said parameter is in the initial state ([0023] to [0041]. It is inherent that the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality); and

a change unit that receives a change instruction for the setting of said parameter and changes the setting of said parameter from the initial state based on the change instruction ([0023] to [0041]. It is inherent that the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 5, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 7-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cariffe (Pub. No: 20050212670) in view of Ohara (U.S. 6314476)

Regarding claim 3, Cariffe discloses all the limitations in claim 1. However, Cariffe does not disclose a wireless communication print server further comprising: a protocol interpretation unit that interprets based on a protocol the print request received through wireless communications; and a single driver that receives and sends the print request from a plurality of said protocol interpretation units to the printer, wherein said rejection unit is included in said driver.

In the same field of endeavor, Ohara discloses a wireless communication print server further comprising: a protocol interpretation unit that interprets based on a protocol the print request received through wireless communications; and a single driver that receives and sends the print request from a plurality of said protocol interpretation units to the printer, wherein said rejection unit is included in said driver (col. 13, line 6 to col. 14, line 55)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the printer server of Cariffe by specifically including a wireless communication print server further comprising: a protocol interpretation unit that interprets based on a protocol the print request received through wireless communications; and a single driver that receives and sends the print request from a plurality of said protocol interpretation units to the printer, wherein said rejection unit is included in said driver, as taught by Ohara, the

motivation being in order to provide a manager device in a network to be supplied with information regarding the status of a terminal device immediately after the terminal device starts operating in the network.

Regarding claim 4, Cariffe discloses all the limitations in claim 1. However, Cariffe does not disclose a wireless communication print server, wherein said rejection unit sends back a notification irrespective of the actual operational state of said printer to indicate that said printer is unavailable.

In the same field of endeavor, Ohara discloses a wireless communication print server, wherein said rejection unit sends back a notification irrespective of the actual operational state of said printer to indicate that said printer is unavailable (col. 13, line 6 to col. 14, line 55)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the printer server of Cariffe by specifically including a wireless communication print server, wherein said rejection unit sends back a notification irrespective of the actual operational state of said printer to indicate that said printer is unavailable, as taught by Ohara, the motivation being in order to provide a manager device in a network to be supplied with information regarding the status of a terminal device immediately after the terminal device starts operating in the network.

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 4.

Reasons Subject Matter

6. Claims 2 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2 and 6, the prior art record does not disclose nor fairly suggest a wireless communication print server *wherein said retention unit retains a predetermined rejection flag that indicates whether or not the setting of said parameter is in the initial state, and said determination unit determines based on said rejection flag, said wireless communication print server further comprising: a release unit that changes said rejection flag to a value indicating printing-availability when the setting of said parameter is changed from the initial state.*

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 02-02-2007


DUC M. NGUYEN
SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2600